



No. 152]

CHENNAI, WEDNESDAY, APRIL 26, 2023
Chithirai 13, Sobakiruthu, Thiruvalluvar Aandu-2054

Part III—Section 1(a)

General Statutory Rules, Notifications, Orders, Regulations, etc.,
issued by Secretariat Departments.

NOTIFICATIONS BY GOVERNMENT

HOME DEPARTMENT

THE CENTRAL MOTOR VEHICLES (SEVENTEENTH AMENDMENT) RULES, 2021.

[G.O. Ms. No.200, Home (Tr.V) , 26th April 2023, சித்திரை 13, சோபகிருது,
திருவள்ளூர் ஆண்டு-2054.]

No. SRO A-17(e)/2023.

G.S.R. 575(E).— Whereas the draft rules further to amend the Central Motor Vehicles Rules, 1989, were published, as required under sub-section (1) of Section 212 of the Motor Vehicles Act, 1988 (59 of 1988), *vide* notification of the Ministry of Road Transport and Highways, Government of India, numbered G.S.R.136 (E), dated the 25th February, 2021 published in the Gazette of India, Extraordinary, Part-II, Section 3, sub-section (i), inviting objections and suggestions from all persons likely to be affected thereby before the expiry of the period of thirty days from the date on which copies of the Gazette containing the said notification were made available to public;

And, whereas, copies of the said Gazette notification were made available to the public on the 25th February, 2021;

And, whereas, the objections and suggestions received from the public in respect of the said draft rules have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by Section 136A read with Section 137 of the Motor Vehicles Act, 1988 (59 of 1988), the Central Government hereby makes the following rules further to amend the Central Motor Vehicles Rules, 1989, namely:-

1. Short Title and Commencement. – (1) these rules may be called the Central Motor Vehicles (Seventeenth Amendment) Rules, 2021.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In Central Motor Vehicles Rules, 1989, after rule 167, the following rule shall be inserted, namely:—

“167A. Electronic Monitoring and Enforcement of Road Safety.— (1) The electronic enforcement device used for issuance of a challan shall have an approval certificate signed by a designated authority of the State Government certifying that the device is accurate and operating properly and the approval certificate shall be renewed on a yearly basis.

Explanation.- (1) For the purpose of this rule, "electronic enforcement device" means a speed camera, closed-circuit television camera, speed gun, body wearable camera, dashboard camera, Automatic Number Plate Recognition (ANPR), weigh in machine (WIM) and any such other technology specified by the State Government.

(2) Body wearable camera may be worn by Police Officer, transport official or any other official authorized by the State Government and such officer or official shall notify to the offender that he is being recorded by the body camera and similarly, dashboard camera may be placed on the dashboard of any police vehicle or in any other vehicle as authorized by the State Government for enforcing the traffic rules and such officer or official shall notify to the offender that he is being recorded by the dashboard camera.

(2) State Governments shall ensure that appropriate electronic enforcement devices are placed at high-risk and high-density corridors on National Highways and State Highways, and at critical junctions at least in major cities with more than one million population (as per data available based on Million Plus Urban Agglomerations or Cities: census of India 2011 or as per the latest census) including the 04 cities as specified in the table below, and the electronic enforcement device shall be placed in such a manner so as not to cause any obstruction, line-of-sight issues or interruption in traffic flow—

TABLE

List of 04 Non-attainment/Million plus cities in Tamil Nadu under National Clean Air Programme (NCAP)

<i>State/Union Territory</i>	<i>S.No.</i>	<i>City</i>
Tamil Nadu (04)	97.	Thoothukudi
	98.	Trichy
	99.	Madurai
	100.	Chennai*
*Million plus cities but not part of non-attainment cities		

(3) For sub-rules (1) and (2), the footage from an electronic enforcement device having electronic stamp for location, date and time, can be used to issue challan for the following offences, namely:—

- (i) not driving within the prescribed speed limit (sections 112 and 183);
- (ii) stopping or parking vehicle at an unauthorized location (Section 122);
- (iii) not undertaking Safety measures for drivers and pillion riders (Section 128);
- (iv) not wearing protective headgear or helmet (Section 129);
- (v) jumping a red light, violating a stop sign, using of handheld communications devices while driving, passing or overtaking other vehicles in a manner contrary to law, driving against the authorized flow of traffic, driving in any manner that falls far below what would be expected of a competent and careful driver and where it would be obvious to a competent and careful driver that driving in that manner would be dangerous (Section 184);
- (vi) driving vehicle exceeding permissible weight (sub-section (1) of Section 194);
- (vii) driving without safety belt (Section 194B);
- (viii) contravention of rule 6 (pertaining to lane driving) of the Motor Vehicles (Driving) Regulations, 2017 (Section 177A);
- (ix) Goods carriage carrying passengers (Section 66);
- (x) contravention of rule 36 (pertaining to Registration plates) of the Motor Vehicles (Driving) Regulations, 2017 (Section 177A);
- (xi) driving vehicle with load that extends beyond the sides of body or to the front or to the rear or in height beyond the permissible limit [sub-section (1A) of Section 194];
- (xii) failure to provide free passage to emergency vehicle (Section 194E).

(4) (a) State Governments shall ensure that appropriate warning signs are conspicuously placed before the stretches monitored by electronic enforcement devices, notifying the public that such device is in use and the concerned authorities shall ensure that physical markings, physical stop lines and pedestrian crossing are clearly marked on the road.

(b) Appropriate fixed and dynamic speed limit signs may also be used to notify the speed limits on the road sections during adverse weather conditions, such as rain, hail, foggy weather etc., as well as for indicating any obstruction ahead in the route.

(5) (a) Body wearable cameras shall be explicitly used by the law enforcement officers, such as police and transport Officials, while managing the traffic or carrying out any enforcement drive and such devices shall be used to record the proceedings of an event, which can be used in the court as an evidence against the offending driver or person and also ensure that the law enforcement official has acted as per the provisions of law while penalising the offending driver or person.

(b) Both the video and audio functions of the body camera shall be activated only when the law enforcement official is on duty and the official shall notify the subjects that they are being recorded by the body camera.

(6) All challans issued under rule 167 in electronic form using auto-generation of challan through the electronic monitoring and enforcement system shall be accompanied with the following information, namely:—

(i) clear photographic evidence highlighting the offence and the license plate of the vehicle;

(ii) measurement from the electronic enforcement device;

(iii) date, time and place of the offence;

(iv) notice specifying the provision of Act that has been violated;

(v) certificate as per sub-section (4) of Section 65B of the Indian Evidence Act, 1872 (1 of 1872), which,—

(a) identifies the electronic record and describes the manner in which it was produced;

(b) gives such particulars of any device involved in the production of that electronic record as may be appropriate for the purpose of showing that the electronic record was produced by a computer;

(c) signed by the officer authorized in this behalf by the State Government.

(7) Challans, under sub-rules (1) and (2), shall be issued in the name of the registered owner of the vehicle and must be accompanied with a notice of offence in electronic form viz SMS or e-mail or in physical form.

(8) (a) The payment of the challan shall be made within the time period specified in the sub-rules (5), (6) and (7) of rule 167.

(b) The payment of e-challan can be made electronically on an online portal specified by the State Government or using cash or card at Traffic Police Stations or at designated places or the e-payment gateway of the e-challan system as specified by States.

(9) The notice of offence shall be sent within fifteen days of the occurrence of the offence and the electronic record collected by way of electronic monitoring should be stored till the disposal of challan and in the case where the electronic record relates to an offence, should be stored till the conclusion of proceedings initiated, including appeals.

(10) In case the owner of the vehicle was not driving the vehicle at the time of offence, he may claim innocence before the police officer or any officer authorised by the State Government, by providing appropriate proof that he was not the driver at the time of the offence, or that another person was the driver at the time of the offence.”.

AMITVARADAN,
Joint Secretary.

[F.No.RT-16031/1/2021-T].

Note.— The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (i) *vide* notification number G.S.R. 590(E), dated the 2nd June, 1989 and last amended *vide* notification number G.S.R. 525(E), dated 2nd August 2021.

K. PHANINDRA REDDY,
Additional Chief Secretary to Government.